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 THOMAS M. EAGAN (TE 1713)
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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SOMPO JAPAN INSURANCE COMPANY OF AMERICA and SOMPO JAPAN INSURANCE, INC.	: 07 Civ. 2735 (DC)
	:
<i>Plaintiffs,</i>	: DECLARATION OF THOMAS M. EAGAN IN SUPPORT OF
- against -	: PLAINTIFFS' MOTION FOR
	: SUMMARY JUDGMENT RE:
NORFOLK SOUTHERN RAILWAY COMPANY, NORFOLK SOUTHERN CORPORATION and THE KANSAS CITY RAILWAY COMPANY	: HOSHIZAKI SUSHI
	: <u>CASES/ICEMAKERS SHIPMENT</u>
	:
<i>Defendants.</i>	:
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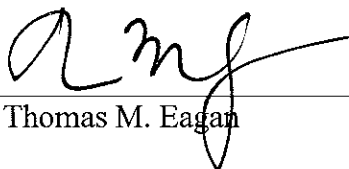
I, Thomas M. Eagan, declare that I am a member of Maloof Browne & Eagan LLC, attorneys for plaintiffs Sompo Japan Insurance Company of America and Sompo Japan Insurance, Inc.

1. Attached as Exhibit 34 is a true copy of the Deposition of Yosiyuki Iwaki, Manager of the Production Control Department, Hoshizaki Electric Company United.
2. Attached as Exhibit 35 is a true copy of the Hoshizaki Inspection Certificate (Hoshizaki Dep. Ex. 1).
3. Attached as Exhibit 36 is a true copy of the Shipping Report (and translation) (Hoshizaki Dep. Ex. 3).

4. Attached as Exhibit 37 is a true copy of the Packing List (Hoshizaki Dep. Ex. 5).
5. Attached as Exhibit 38 is a true copy of the Invoice (Hoshizaki Dep. Ex. 6).
6. Attached as Exhibit 39 is a true copy of the Sumitrans Bill of Lading, and as Exhibit 39A a true copy of the Yang Ming bill of lading concerning the Hoshizaki Shipment (Hoshizaki Dep. Ex. 7; Ex. 6 to Plaintiffs' prior Motion for Partial Summary Judgment).
7. Attached as Exhibit 40 is a true copy of the Container Cargo information (Venneman Dep. Ex. 40).
8. Attached as Exhibit 41 is a true copy of the VeriClaim Report (Venneman Dep. Ex. 84).
9. Attached as Exhibit 42 is a true copy of VeriClaim photographs (from Venneman Dep. Exs. 97-99).
10. Attached as Exhibit 43 is a true copy of the Deposition of John Venneman.
11. Attached as Exhibit 44 is a true copy of the Certificate of Disposal (Unisia Bates 5).
12. Attached as Exhibit 45 is a true copy of the Declaration of Bill Anderson of Hoshizaki America dated March 17, 2009 with Exhibits, and as Exhibit 45A a true copy of the Declaration of Mike Pettigrew of Hoshizaki American dated March 13, 2009 with Exhibit.

I declare the foregoing is true and correct under the penalty of perjury of the laws of the United States.

Dated: Rye, New York
March 18, 2009



Thomas M. Eagan